

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION**

CHAPEL RIDGE INVESTMENTS, L.L.C., )  
Plaintiff, )  
v. )  
PETLAND LEASEHOLDING COMPANY, )  
INC., *an Ohio corporation*; THE UNKNOWN )  
OFFICERS, DIRECTORS, AND )  
SHAREHOLDERS OF PETLAND LEASING )  
COMPANY, INC.; and PETLAND, INC., *an* )  
*Ohio corporation*; )  
Defendants. )

## OPINION AND ORDER

This case was removed to this Court from the Allen Superior Court by Defendants based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). (Docket # 2, 7.) Along with Petland Leaseholding Company, Inc. (“PLC”), and Petland, Inc., PLC’s unknown officers, directors, and shareholders are also Defendants in this case. “But because the existence of diversity jurisdiction cannot be determined without knowledge of every defendant’s place of citizenship, ‘John Doe’ defendants are not permitted in federal diversity suits.” *Howell ex rel. Goerdt v. Tribune Entm’t Co.*, 106 F.3d 215, 218 (7th Cir. 1997) (citations omitted). Defendants appear to be aware of this, stating in their Amended Notice of Removal that “PLC represents to the Court that none of its officers, directors, or shareholders are citizens of the State of Indiana.” (Am. Notice of Removal ¶ 4(d).)

Defendants' Amended Notice of Removal, however, is inadequate because Plaintiff Chapel Ridge Investments, L.L.C., a Delaware limited liability company, is a citizen of

California, not Indiana, as its sole member, Johann Lippert, is a California citizen. (Am. Notice of Removal ¶ 6(a)(ii)); *see Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998) (“[T]he citizenship of an LLC for purposes of . . . diversity jurisdiction is the citizenship of its members.”). As such, whether any of PLC’s officers, directors, or shareholders are citizens of *Indiana* is irrelevant to the jurisdictional analysis. Instead, the Court must be advised of whether any of them are *California* citizens.

Consequently, Defendants are ORDERED to supplement the record by filing a Second Amended Notice of Removal on or before June 17, 2013, informing the Court of whether any of PLC’s officers, directors, or shareholders are citizens of California.

SO ORDERED.

Enter for this 3rd day of June, 2013.

/S/ Roger B. Cosby

Roger B. Cosby,  
United States Magistrate Judge